



4. Venue is proper in this Court pursuant to 28 U.S.C. §1391, in that all parties reside in this Judicial District and the matters at issue arose in this Judicial District.

## **II. FACTUAL BASES FOR THIS LAWSUIT**

5. Defendant hired Plaintiff in May of 2008 to perform work in accounts receivable and collections.

6. Defendant hired Jerry Cotton to perform as its warehouse manager.

7. Plaintiff reasonably and in good faith believed that Jerry Cotton was engaging in sexually offensive conduct (Sexual Harassment) because, every day, he engaged in and solicited inappropriate sexual banter and jokes—about women, about sex, about women's clothing, etc., none of which was vocationally relevant.

8. Cotton's constant sexual talk interfered with Plaintiff's performance of her duties.

9. In 2009, Plaintiff continually complained to management, including Defendant's Vice President, Mr. Lloyd Cahoon.

10. Mr. Cahoon would always say, "I'll talk to Jerry," which effected no change whatsoever.

11. Upon information and belief, Defendant never did undertake a serious investigation into Plaintiff's complaints of sexual harassment.

12. Nor did Defendant ever take any remedial action against Cotton.

13. In August of 2009, Plaintiff advised Cahoon that she was tired of Cotton's ridiculous sexual talk, that Cahoon had done nothing to stop it, and that she was going to take the matter to the Equal Employment Opportunity Commission.

14. Shortly thereafter, on or about August 20, 2009, Defendant advised Plaintiff that her employment was terminated for "lack of work." However, Defendant simultaneously advised Plaintiff that she would be replaced. In fact, Defendant did replace Plaintiff's position.

15. The termination did cause Plaintiff to lose her wages and benefits and to suffer emotional distress in the form of worry, anxiety, job uncertainty, and financial distress. She seeks these damages (back pay, reinstatement or front pay, and compensatory damages) along with punitive damages for the intentional indifference by Defendant to Plaintiff's federally protected rights to be free of retaliation. She also seeks her attorneys fees and costs.

### **III. LEGAL CAUSE OF ACTION**

16. The foregoing paragraphs are incorporated herein.

17. Based thereon, Plaintiff brings the following legal cause of action against the Defendant:

A. **Title VII. Retaliation.**

18. A TRIAL BY JURY IS HEREBY DEMANDED.

Respectfully Submitted,

**GILBERT RUSSELL McWHERTER, PLC**

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